

CHAPTER NO. 31

SENATE BILL NO. 495

By Norris

Substituted for: House Bill No. 933

By Hargrove, Pinion, McMillan, Newton, Roach, West, Lynn, Gresham, Crider, Harry Brooks, Phillip Johnson, Dunn, Russell Johnson, Overbey, Clem, Vaughn, Harmon, Bone, Coleman, Litz, Yokley, Hackworth, Cobb

AN ACT to amend Tennessee Code Annotated, Title 39; Title 45; Title 47; Title 56 and Title 62, relative to unfair and deceptive acts.

WHEREAS, it is becoming increasingly common for consumers to be inundated, shortly after taking out mortgages or refinancing, with any number of solicitations for products or services, including insurance, various lending products or lines of credit for home improvements; and

WHEREAS, often these solicitations prominently display the name or logo of the customer's bank or savings and loan or state "from information obtained from your bank"; and

WHEREAS, the persons or businesses who originate these solicitations typically have no relationship or connection to the bank, savings and loan, subsidiary or affiliate thereof whose name or logo is being used; and

WHEREAS, the unauthorized representations on these solicitations are intended to confuse, mislead or deceive consumers as to the source of origin, affiliation or sponsorship of such advertisements, products or services being offered; and

WHEREAS, banks and savings and loans have strong interests in protecting their customers from unfair or deceptive acts and preventing the unauthorized use of their name, logo or representations of affiliation by unrelated persons, businesses or solicitations; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-127, is amended by redesignating subsection (a)(6) as (a)(8).

SECTION 2. Tennessee Code Annotated, Section 39-14-127, is further amended by adding the following as a new subsection (a)(6):

(6) Makes false or deceptive representations in any advertisement or solicitation for services or products that such services or products have sponsorship, approval, affiliation or connection with a bank, savings and loan association, savings bank or subsidiary or affiliate thereof.

SECTION 3. Tennessee Code Annotated, Section 39-14-127, is further amended by adding the following as a new subsection (a)(7):

(7) Uses the name or logo of any bank, savings and loan association, savings bank or subsidiary or affiliate thereof, without the express written consent of such person whose name is used.

SECTION 4. Tennessee Code Annotated, Section 45-2-1709(a)(1), is amended by adding as a new subsection (D) as follows:

(D) It is unlawful for any person, firm or corporation to use the name or logo of any bank, savings and loan association, savings bank or subsidiary or affiliate thereof, in connection with the sale, distribution, offering for sale or advertising of any products or services on or in connection with which such use is likely to cause confusion, mistake or deception as to the source of origin, affiliation or sponsorship of such products or services without obtaining the express written consent of the person whose name is used.

SECTION 5. Tennessee Code Annotated, Section 47-25-512, is amended by adding the following as a new subsection (3):

(3) Uses the name or logo of any bank, savings and loan association, savings bank or subsidiary or affiliate thereof, in connection with the sale, distribution, offering for sale or advertising of any products or services on or in connection with which such use is likely to cause confusion, mistake or deception as to the source of origin, affiliation or sponsorship of such products or services without obtaining the express written consent of the person whose name is used;

SECTION 6. Tennessee Code Annotated, Section 56-8-104(1), is amended by adding the following as a new subsection (I):

(I) Makes false or deceptive representations in any advertisement or solicitation for services or products that such services or products have sponsorship, approval, affiliation or connection with a bank, savings and loan association, savings bank or subsidiary or affiliate thereof.

SECTION 7. Tennessee Code Annotated, Section 56-8-104(1), is further amended by adding the following as a new subsection (J):

(J) Uses the name or logo of any bank, savings and loan association, savings bank or subsidiary or affiliate thereof without the express written consent of the person whose name is used.

SECTION 8. Tennessee Code Annotated, Section 62-37-112, is amended by adding as a new item (14) as follows:

(14) Making false or deceptive representations in any advertisement or solicitation for services or products that such services or products have sponsorship, approval, affiliation or connection with a bank, savings and loan association, savings bank or subsidiary or affiliate thereof.

SECTION 9. Tennessee Code Annotated, Section 62-37-112, is amended by adding as a new subsection (15) as follows:


(15) Using the name or logo of any bank, savings and loan association, savings bank or subsidiary or affiliate thereof, without the express written consent of the person whose name is used.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 7, 2003



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of April 2003



PHIL BREDEBEN, GOVERNOR